

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**LIBERTY MUTUAL INSURANCE
COMPANY, et al.**

PLAINTIFFS

V.

NO. 3:14-CV-245-DMB-JMV

PMG STAFFING, INC.

V.

LIPSCOMB & PITTS INSURANCE, LLC

THIRD-PARTY DEFENDANT

**ORDER DISMISSING CASE
BY REASON OF SETTLEMENT**

The Court has been advised that this action has been settled or is in the process of being settled.¹ Therefore, it is unnecessary that the case remain upon the calendar of the Court. Accordingly, this action is **DISMISSED without prejudice**.² The Court retains complete jurisdiction to vacate this Order and to reopen the action upon cause shown that settlement has not been completed and further litigation is necessary.

SO ORDERED, this 6 day of September, 2016.

**/s/ Debra M. Brown
UNITED STATES DISTRICT JUDGE**

¹ In its September 2, 2016, motion for a 10-day postponement of the final pretrial/settlement conference and the deadline for the proposed pretrial order, Lipscomb and Pitts Insurance, LLC, states that “the parties have reached an agreement to settle this matter.” Doc. #167. In the memorandum accompanying the motion, Lipscomb represents that on August 16, 2016, Liberty Mutual, through counsel, advised that “Liberty Mutual and PMG Staffing, Inc. had reached an agreement to settle the action brought by Liberty Mutual,” and that subsequently, Lipscomb and PMG Staffing reached an agreement to resolve the third party complaint and counterclaim between them on August 25, 2016. Doc. #168.

² Because this order dismisses this action without prejudice based on the representations of settlement, Lipscomb’s motion to postpone the final pretrial/settlement conference and proposed pretrial order deadline, Doc. #167, is rendered moot. Rather than order the 10-day postponement Lipscomb requested, the Court deems it prudent to instead allow the parties time to consummate the settlements beyond a 10-day time period, if needed, to avoid any requests for additional postponement. As this order instructs, if the settlements are not completed for any reason, the Court will reopen the case on motion advising of such.